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DEPT. OF TRANSPORTATION
DOCKETS

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VIA FACSIMILE 202-366-3224

April 30, 2004

Annette M. Sandberg, Administrator
Federal Motor Carrier Safety Administration
400 7th Street, SW
Washington, DC 20590

FMLSA-97-2979-41

Re: HHG Consumer Protection Regulations – May 5 Compliance Date

Dear Ms. Sandberg:

As you know, we, as a group of Household Goods Carriers, appeared in Washington before FMCSA officials earlier this week with Joe Harrison, President of AMSA, to personally present our position on the implementation of the new Consumer Protection Regulations. We appreciate the opportunity to be heard by the members of your staff.

I am writing to you to respectfully further plead our position. We cannot overstate the hardship that a May 5, 2004 implementation of the new Regulation will have on our industry. The following is just some of our major obstacles. However, before you read on, I would like to state for the record that we at Paul Arpin Van Lines support the new Consumer Protection Regulations. We ask only two things; (1) that the implementation be postponed until after our peak-season (November 30, 2004), and (2) that we be allowed to collect on delivery for all legitimate services performed by the carriers. Our concerns are as follows:

- a. We stressed to your staff the need and requirement to educate and train thousands of sales personnel, drivers and agents as to how the new requirements regarding payments and collections, estimating, billing, completing documentation, weighing shipments, record retention, providing copies of the tariff to customers and prospective customers, etc., etc.

Given this need and the fact that it is now the peak-moving season, we all advised that the required and effective training couldn't be accomplished until after the peak-season.

- b. We also advised your staff that extensive revision and reprinting of shipment documentation would be necessary. This includes our estimate forms, order for service forms, bills of lading and inventories – to correspond with the new requirements, few forms in use today contain all of the itemized requirements provided for in the new Consumer Regulations.
- c. Also, additional time is needed to develop new forms and procedures for the new requirements provided for by the revised regulations. Waiver forms will be required for

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shippers who wish to waive their right to observe shipment re-weighs. Agreement forms will be required for shippers who wish to convert their binding estimate to a non-binding estimate when quantities or services have changed before the shipment is loaded. In addition, broker agreement contracts will need to be developed and completed between brokers and carriers who wish to form partnerships.

- d. With all of the new and revised forms required, our company will be required to amend their software and computer design. As you know, system changes of this nature are expensive and time-consuming to achieve and will be exceedingly difficult, if not impossible, to accomplish on short-notice during the peak-season.
- e. Another major concern of ours and a request as well was that FMCSA retain the current regulations that allow movers to collect at delivery for any additional services requested by the customer after the shipment is in transit. This is currently allowed under current Consumer Protection rules. This continuance was asked until FMCSA completes a new-rule making proceeding that it plans to initiate.

The reason for this request is twofold. Our research shows that we only collect about 50% of COD services which the carrier has to bill for, and also, as many of our drivers are owner-operators or agent drivers, they will not be paid for uncollected services. This situation is not conducive to good customer service.

I thank you for your time and your consideration of our request for an extension of the May 5, 2004 date.

Sincerely,



David Arpin
President

JF/js

cc: Warren Hoemann, Deputy Administrator (Via Facsimile 202-366-3224)
Federal Motor Carrier Safety Administration
400 7th Street, SW
Washington, DC 20590